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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,544	10/17/2003	Neil P. Adams	555255012606	1135

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06/22/2007

EXAMINER
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VU, VIET DUY

ART UNIT	PAPER NUMBER
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2154

MAIL DATE	DELIVERY MODE
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06/22/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/688,544

Applicant(s)

ADAMS ET AL.

Examiner

Viet Vu

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 33 is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 11/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

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1. The current title is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

**Art Rejections:**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1-6 and 12-19 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Dickinson, III, U.S. pat. No. 6,609,196.

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Per claims 1-6, Dickinson discloses a method of selecting and applying messaging settings on outgoing messages comprising:

**a)** determining a recipient of an outgoing message (see col 9, lines 46-51);

**b)** retrieving a messaging setting from a data store based upon the determined recipient (see col 9, lines 51-55);

**c)** processing and transmitting the outgoing message based at least in part upon the retrieved messaging setting, e.g., encrypting the message before transmitting (see col 9, lines 55-60).

Per claims 12-15 and 19, it is noted that Dickinson's teachings encompass all claim limitations.

Per claims 16-18, Dickinson teaches prompting and returning to users conflicting messages that need to be resolved by the users, e.g., applying proper data encryption (see col 9, line 62-63).

4. Claims 1, 7-15, 20-22, 26 and 30-32 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Goldberg, U.S. pat. No. 7,209,951.

Per claims 1 and 7-15, Goldberg discloses a method of processing outgoing messages comprising:

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- a) determining/parsing one or more message fields including a destination field of an outgoing message (see col 3, lines 52-59);
- b) retrieving/generating text string (from a data store) describing a message setting based upon the determined destination field (col 4, lines 2-22);
- c) displaying the message setting text on the outgoing message compose screen (col 4, lines 24-48);
- d) enabling the user to modify a field of the outgoing message to indicate a change in message setting wherein the modified field of the outgoing message does not affect message setting of subsequently composed outgoing message (see col 4, lines 54-61).

Per claims 20-22, 26 and 30-32, Goldberg teaches utilizing one of conventional computing devices including mobile devices to implement the invention (see col 2, lines 35-62).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject

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matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 20-21 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickinson.

Dickinson teaches utilizing a conventional computer system to implement the invention (see col 3, line 66 - col 4, lines 8). Dickinson does not explicitly show a data storage, an input device and an output device. It is however noted that a conventional computer would include at least a data storage, an input device and an output device.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize the use of such data storage, input device and output device in Dickinson because it would have enabled practicing Dickinson's invention.

8. Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg.

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Goldberg does not explicitly teach using a touch sensitive screen or auditory entry device. An official notice is taken that such use of touch sensitive screen and auditory entry device is well known in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize any known input/output devices including touch sensitive and/or auditory entry device in Goldberg because it would have enabled practicing Goldberg's invention.

**Allowable Subject Matter:**

9. Claim 33 is allowed over prior art of record.

**Conclusion:**

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 571-272-3977. The examiner can normally be reached on Monday through Friday from 7:00am to 4:00pm. The Group general information number is 571-272-2100. The Group fax number is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn, can be reached on 571-272-1915.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on

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access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



VIET D. VU  
PRIMARY EXAMINER

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6/15/07